

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ELIJE ARDS,

Plaintiff,

v.

Case No. 21-cv-944-pp

KILOLO KIJAKAZI,

Defendant.

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**ORDER REQUIRING PLAINTIFF TO FILE AMENDED MOTION FOR LEAVE  
TO PROCEED WITHOUT PREPAYING THE FILING FEE**

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The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

The plaintiff's affidavit does not provide enough facts for the court to determine whether he can pay the filing fee. The affidavit indicates that the plaintiff is not employed, he is not married, and he has three dependents he is responsible for supporting. Dkt. No. 2 at 1. The plaintiff lists no income at all and expenses of \$200 per month for rent. Id. at 2-3. The plaintiff does not own a car or his home or any other property of value, and he has no cash on hand

or in a checking or savings account. Id. at 3-4. The court is perplexed as to how the plaintiff is living. Where does he get the \$200 per month he pays in rent? How does he get food and basic necessities? Perhaps he has family or friends who provide for his needs, but there is nothing in the affidavit telling the court whether that's the case or who supports the plaintiff. The court will ask the plaintiff to file an amended request to proceed without prepaying the filing fee. The plaintiff is represented by counsel, who should assist him in filling out the amended request clarifying his living situation.

The court **ORDERS** that the plaintiff must file an amended request to proceed without prepaying the filing fee by the end of the day on **September 2, 2021**. If the plaintiff does not provide a new request in time for the court to receive it by the deadline, the court will deny his application to proceed without prepaying the filing fee and will require him to pay the full \$402 filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 12th day of August, 2021.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**United States District Judge**